



Policy: 4005
Procedure: 4005.01
Chapter: Institutions
Rule: Secure Facility Restitution Work Program

Effective: 08/03/07
Replaces: 4005.01
Dated: 09/30/99

Purpose:

Juveniles in the custody of the Arizona Department of Juvenile Corrections (ADJC) shall assume financial responsibility for deliberate damage or destruction of State, employee, or peer property through participation in a program of work restitution. Juveniles who are alleged to have committed deliberate damage or destruction of State, employee, or peer property shall receive a disciplinary hearing in accordance with Procedure 2303.01 Disciplinary Hearings.

Rules:

1. **EMPLOYEES** who witness or become aware of a juvenile's deliberate damage or destruction of State, peer, or employee property shall:
 - a. Complete Form 1190.01A, Incident Report (IR) to document the event;
 - b. Forward a copy of the IR to the unit Youth Program Supervisor (YPS) and Youth Corrections Officer III (YCO III) by the end of the shift.
2. Within 24 hours the **YCO III** shall:
 - a. Review the IR and circumstances regarding the event;
 - b. If it is determined that the damage/destruction was deliberate, complete Form 4005.01A Restitution Hearing Referral Form; and
 - c. Call the Due Process Proceedings Office to secure a control number.
3. The **YCO III** shall meet with the maintenance supervisor, warehouse supervisor, or designee to obtain:
 - a. An estimate of the damages; and
 - b. A signature from the appropriate person on Form 4005.01B Restitution Work Hours.
4. The **YCO III** shall assess the amount of damage as follows:
 - a. Damage to the property of multiple victims resulting from a single, continuous incident by one juvenile shall be considered jointly;
 - b. Damage to the property of one victim in separate incidents by one juvenile shall be considered jointly;
 - c. Damage to the property of multiple victims in separate incidents by one juvenile shall be considered by each incident;
 - d. Damage to individual or multiple victims by multiple juveniles from a single, continuous incident shall be considered jointly;
 - e. Damage shall be assessed to each juvenile consistent with the percentage of fault attributed to each juvenile.
5. Restitution orders shall not exceed \$500.00. The **YCO III** shall ensure that all incidents of deliberate destruction of State, employee, or peer property resulting in losses in excess of \$500.00 are forwarded to the Inspections and Investigations Division (IID) for referral to the County Attorney.
IID shall:
 - a. Complete an investigation; and if appropriate,
 - b. Notify the County Attorney's Office of the total restitution paid in all cases forwarded for prosecution; and
 - c. Upon full repayment of restitution, notify the County Attorney's Office and, at the discretion of the ADJC Director, request that prosecution be dismissed.
6. If the damages assessed are between \$50.00 and \$500.00 the **YCO III** shall:
 - a. Complete Form 4005.01A Disciplinary Hearing Referral Form;

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- b. Refer the matter to the Due Process Proceedings Office to conduct a hearing in accordance with procedure 2303.01 Disciplinary Hearings.
7. If the damages assessed is less than \$50.00:
 - a. The **YCO III** shall refer the matter to the Assistant Superintendent;
 - b. The **ASSISTANT SUPERINTENDENT** shall, in the absence of the Due Process Proceedings Administrator, conduct a minor restitution hearing in accordance with Procedure 2303.01 Disciplinary Hearings unless to do so would be a direct conflict of interest;
 - c. In the case of a direct conflict of interest, the **ASSISTANT SUPERINTENDENT OR DESIGNEE** shall assign a qualified Youth Program Supervisor (YPS) to act as the Youth Hearing Officer.
8. If the damages assessed are less than \$50.00, the **YCO III** shall refer the matter to the Assistant Superintendent who shall conduct a minor restitution hearing in accordance with Procedure 2303.01 Disciplinary Hearings with the following exceptions:
 - a. Unless to do so would be a direct conflict of interest, the **ASSISTANT SUPERINTENDENT** shall act in place of the Due Process Proceedings Administrator in carrying out Procedure 2303.01;
 - b. The **ASSISTANT SUPERINTENDENT OR DESIGNEE** shall assign a qualified YPS to act as the Youth Hearing Officer;
 - c. The **EMPLOYEE HOLDING THE HEARING** shall make no record of the hearing.
9. The **JUVENILE** shall have the right to be assisted by the advocate of his/her choosing.
10. Upon issuance of an order for restitution from the completed hearing the **YCO III** shall contact the Business Office Manager to arrange replacement, repair, or reimbursement for juvenile property losses caused from deliberate destruction by peers.
 - a. The **BUSINESS OFFICE MANAGER** shall:
 - i. Make no record of the hearing; and
 - ii. Ensure the juvenile has the right to be assisted by the Juvenile Ombuds.
 - b. When ADJC compensates a juvenile for a loss of property due to peer destruction, the **AGENCY** shall have subrogation rights for restitution equal to the amount paid.
11. The **BUSINESS OFFICE MANAGER** upon receipt of an order for restitution, shall:
 - a. Assess funds in the juvenile's account;
 - b. Determine if the juvenile has sufficient funds in his/her Trust Account;
 - c. Deduct funds for restitution;
 - d. Complete and make notations on Form 4005.01A Restitution Referral Hearing Report Form;
 - e. Forward the completed Restitution Referral Hearing Report Form 4005.01A for placement in the juvenile's Field File;
 - f. Calculate the total work hours needed to be performed if the juvenile has insufficient funds to cover restitution based on the Federal Minimum Wage Standards;
 - g. Record this information on the Restitution Hearing Report Form;
 - h. Forward this form back to the YCO III, noting the balance due;
 - i. Calculate the work hour assessment based upon:
 - i. Established labor costs;
 - ii. The cost of repair materials; and
 - iii. The juvenile's minimum wage.
12. After consulting the supervisor of the work program, the **YCO III** shall:
 - a. Relieve the juvenile from the current assigned job, if any;
 - b. Place the juvenile on a special work detail in order to perform work restitution;
 - c. Reduce the juvenile's regular working hours and assign a part time special work detail in order to perform work restitution;
 - d. Ensure the hours worked on special detail equal the reimbursement amount;
 - e. Ensure the maximum number of work hours prescribed by Arizona Revised Statutes (ARS) §41-2822 per week is not exceeded;
 - f. Verify when the restitution work project is completed;

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- g. Total the hours listed on Form 4005.01B Restitution Work Hours Form and attach it to Form 4005.01A Restitution Hearing Referral Report Form;
 - h. Sign and date Form 4005.01A Restitution Hearing Referral Form to verify the restitution task has been completed in a satisfactory manner;
 - i. Advise the juvenile's parent(s) or legal guardian(s) that restitution has been completed;
 - j. Forward the Form 4005.01A Restitution Hearing Referral and the 4005.01B Restitution Work Hours Form to:
 - i. The Business Office Manager; and
 - ii. One copy for filing in the juvenile's Field File.
 - k. Forward the Restitution Hearing Referral Form 4005.01A and the 4005.01B Restitution Work Hours Form to the juvenile's Parole Officer in the event that the juvenile is released prior to completion of assigned Restitution Work Hours:
 - i. The **PAROLE OFFICER** shall:
 - (1) Ensure assigned hours have been completed by the juvenile;
 - (2) Ensure the juvenile pays the full remaining amount from community employment.
 - l. Complete Form 4005.01A Restitution Hearing Referral Form upon completion of restitution in the community, and place the form in the juvenile's Field File.
13. Unless otherwise authorized by the Superintendent, a **JUVENILE** shall not progress to a higher status level until all the restitution work has been completed.
14. The **YOUTH RIGHTS OMBUDS** (YRO) shall:
- a. Determine if work has been assigned to the juvenile;
 - b. Determine if documentation of work assigned is accurate;
 - c. Determine if other problems exist;
 - d. If necessary, file an appeal with the Superintendent for modification of the restitution plan and request the restitution plan be voided. If the plan is voided by the Superintendent, immediately notify:
 - i. The Business Office Manager;
 - ii. Due Process Proceedings Administrator; and
 - iii. Unit YPS or YCO III.
15. The **SUPERINTENDENT** may void a restitution plan. If that is done, **ADJC** shall consider it as completed by the juvenile.
16. The **BUSINESS OFFICE MANAGER** shall:
- a. Issue a quarterly Restitution Report listing the:
 - i. K number of the juvenile(s) in the program;
 - ii. Number of restitution hours worked;
 - iii. The date the restitution was completed.
 - b. Distribute the report, at a minimum, to the Assistant Director of Programs and Institutions, the Superintendent, YPSs, YCO IIIs, YPO IIIs, and the YRO.

Effective Date:	Approved by Process Owner:	Review Date:	Reviewed By:
08/03/07	Charles Adornetto		